

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FORTAS T. HAZELWOOD,

Plaintiff,

v.

Case No. 17-CV-315

**CITY OF MILWAUKEE, and
JEFF HARVEY,**

Defendants.

**REPORT AND RECOMMENDATION
THAT THE ACTION BE DISMISSED FOR LACK OF DILIGENCE**

Plaintiff Fortas T. Hazelwood, who is proceeding without the assistance of counsel, filed this action on March 3, 2017. ECF No. 1. The matter was randomly assigned to this Court, and Mr. Hazelwood consented to magistrate judge jurisdiction. *See* 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73(b). On March 28, 2017, the Court struck Mr. Hazelwood's original complaint for failure to state a cognizable claim to relief. ECF No. 4. The Court provided Mr. Hazelwood an opportunity to file an amended complaint, and ordered that this be filed by April 24, 2017. *Id.* The Court warned that if Mr. Hazelwood did not file an amended complaint that the action would be dismissed for failure to prosecute. *Id.*

Mr. Hazelwood never filed an amended complaint. On May 11, 2017, the Court issued a show-cause order, directing Mr. Hazelwood to explain his failure to comply with Court orders. *See* Order to Show Cause, ECF No. 5. The show-cause order indicated that Mr. Hazelwood's failure to respond may result in dismissal of

this action for lack of diligence pursuant to Fed. R. Civ. P. 41(b) and E.D. Wis. Civ. L. R. 41(c). Mr. Hazelwood's response was due on or before June 1, 2017. To date, the Court has not received Mr. Hazelwood's response to the show-cause order. Accordingly, the Court will recommend that the action be dismissed for lack of diligence.

NOW, THEREFORE, IT IS HEREBY RECOMMENDED that, pursuant to Fed. R. Civ. P. 41(b) and E.D. Wis. Civ. L. R. 41(c), this action be **DISMISSED** for lack of diligence.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 72(b)(2), and E.D. Wis. Gen. L. R. 72(c), whereby written objections to any recommendation herein, or part thereof, may be filed within fourteen days of service of this Recommendation. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Failure to file a timely objection with the district judge shall result in a waiver of your right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin, this 7th day of June, 2017.

BY THE COURT:

s/ David E. Jones
DAVID E. JONES
United States Magistrate Judge